

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

RP.No. 120 of 2007(J)

AGAINST THE JUDGEMENT IN W.P.(C).NO.30124/2005 DATED 07/03/2006

REVIEW PETITIONERS/RESPONDENTS:

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF DEFENCE, NEW DELHI.
2. PRINCIPAL CONTROLLER OF DEFENCE,
ACCOUNTS (PENSION) ALLAHABAD.
3. OFFICER IN CHARGE, E.M.E. RECORDS,
SECUNDERABAD-21.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT S.G.

RESPONDENT/ PETITIONER:

K.P.RATHNA LATHA,
W/O.LATE T.K.GOVINDAN UNNY, CHEROOD KALAM,
KELATH PAKAVATH HOUSE, THIRUVILWAMALA,
PATTIPARAMBA P.O., TRICHUR DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 02/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.BALAKRISHNAN NAIR, J.

RP No.120 of 2007 in Writ Petition (C) No.30124/05-J

Order

The respondents in the Writ Petition seek review of the Judgment. This Court directed the review petitioners to grant pension to the writ petitioner, notwithstanding the fact that she is getting family pension from the LIC of India. The review petitioners submit, the said Judgment was rendered because they could not bring to the notice of this Court, Annexure A, which is the extract of Para 222 of the Pension Regulations for the Army, 1961. The learned counsel for the writ petitioner pointed out that the said regulation is not applicable in this case as the petitioner is receiving pension from the LIC.

2. A perusal of Annexure A Regulations would show that what is prohibited is receipt of two pensions from the Government. Here, family pension from the LIC cannot be equated to pension from the Government. So, no ground has been made out for reviewing the Judgment. The RP is accordingly dismissed.

02.11.2007

Sd/-**K.BALAKRISHNAN NAIR,JUDGE**

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PA TO JUDGE

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